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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/583,117	08/22/2006	Anders Sundgren	4448-44	1250
23117 7590 06/04/2010 NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203				
EXAMINER MC'CARRY JR, ROBERT J				
ART UNIT 3617		PAPER NUMBER		
MAIL DATE 06/04/2010		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/583,117

Applicant(s)

SUNDGREN, ANDERS

Examiner

ROBERT J. MCCARRY JR

Art Unit

3617

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 February 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 32, 38-42 and 64-95 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 32, 38-42 and 84-95 is/are allowed.
- 6) ☒ Claim(s) 64-83 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB06)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date 2/19/10

DETAILED ACTION

The Information Disclosure Statement received on August 26, 2009 has been reviewed and considered by the Examiner.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 64-83 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hung (US 4,889,281) in view of Holzheu et al (US 6,870,294).

Hung discloses a compound guide rail for guiding interaction with a wheel of a unit traveling along the rail. The guide rail is comprised of an outer rail 1 made of an aluminum alloy and further shaped to exhibit a C or U shaped open channel. The channel extends in the longitudinal direction of the rail. The outer rail 1 is mounted onto an iron base rail 2. The outer rail 1 has outwardly and upwardly extending tabs 11, extending from the web of the outer rail and act to guide the wheels traveling along the rail. The outer rail 1 also has angled tabs extending downward from the web and inward from the corner under the web of the rail. These angled tabs aid in mounting the outer rail to the lower base rail 2. The outer rail is anchored to the base rail by screws 22, thread through holes 13 on the outer rail and extending into the base rail through holes 21.

Hung discloses the compound guide rail as described above. However, Hung does not specifically state the yield point of the outer rail or base rail. As the outer rail is constructed of aluminum and the base rail is constructed of iron. It is well known to one of ordinary skill in the art, and supported by the Machinery's Handbook 25th edition (1996) p. 193, that aluminum has a yield point exceeding the yield point of iron. It would have been obvious to one of ordinary skill in the art to come to the expected result that the outer aluminum rail would have a yield point exceeding the yield point of the iron base rail.

Hung discloses the rail assembly as described above. However, Hung does not distinctly show the two rails to be welded or glued together with conductive glue. Holzheu et al discloses a support structure comprised of support bars 8 joined with a connecting line 6. As stated in column 12, lines 61-65, the proper methods to create an electronic connection between the connecting line 6 and support bar 8 are welding, soldering or gluing with conductive glue. It would have been obvious to one of ordinary skill in the art to have utilized a structure, like that of Holzheu et al, as a teaching to show two structural parts, like the rail components of a system like that of Hung, can be connected and secured with a weld or conductive glue. Further, Hung supports this teaching as Hung states that connecting the out rail and base rail with screws would complicate the assembly process as well as increase cost.

Response to Arguments

Applicant's arguments filed February 19, 2010 have been fully considered but they are not persuasive. Applicant argues that the prior art of Hung does not show a

need for the outer rail to have a higher yield point exceeding the yield point of the base rail. Hung states that the aluminum can provide a better smoothness with higher precision with out excessive machining, thus improving the sliding movement of the seat and also improving the quality of the apparatus. Therefore in the view of a quality product while keeping cost down one of ordinary skill in the art to have made the aluminum outer rail with a higher yield strength since it will support the weight of the user as well as support a moveable roller along the length of the rail. Applicant has also argued that there is not an efficient teaching in Hung to show that screws, welds and glue are functional equivalents for securing two components. Hung specifically states that the components can be screwed together, but that a weld is preferable as using screws would require additional machining and tooling to accommodate opening for the screws. Further the prior art of Holzheu et al shows that welds and conductive glue can be used to mate two components needing an electrical connection.

Allowable Subject Matter

Claims 32, 38-42 and 84-95 are allowed.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERT J. MCCARRY JR whose telephone number is (571)272-6683. The examiner can normally be reached on Monday through Friday 7:00am to 3:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, S. Joseph Morano can be reached on (571) 272-6684. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. Joseph Morano/
Supervisory Patent Examiner, Art Unit 3617

/R. J. McCarry Jr./
Examiner, Art Unit 3617

RJM
June 2, 2010